

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS IBARRA-VALLE and
HUMBERTO GARCIA,

Defendants.

No. 2:20-cr-000197-RAJ

ORDER CONTINUING TRIAL
DATE AND PRETRIAL MOTIONS
DEADLINE

THIS MATTER comes before the Court upon the Motion of Defendant Jose Luis Ibarra-Valle. Defendant Humberto Garcia does not join in the motion and has indicated he objects to a continuance of the trial date. The Court, having considered the facts set forth in the motion and the records and files herein, and having conducted a hearing on this date, FINDS as follows:

1. That the ends of justice will be served by ordering a continuance in this case, that a continuance is necessary to ensure adequate time for effective case preparation and that these factors outweigh the best interests of the public and defendants in a speedy trial.

2. Given the recent appointment of new defense counsel upon the motion of both defendants, failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv). In addition, the

1 failure to grant a continuance in the proceeding would likely result in a miscarriage of
2 justice, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(i).

3 3. The ends of justice will be served by ordering a continuance in this case,
4 as a continuance is necessary to ensure adequate time for the defense to review
5 discovery and effectively prepare for trial. All of these factors outweigh the best
6 interests of the public and defendant in a more speedy trial, within the meaning of 18
7 U.S.C. § 3161(h)(7).

8 4. Defendant Humberto Garcia's objection to the continuance is overruled.
9 Defendants in this case are alleged to have conspired together. All of the charges arise
10 out of a common investigation, including common wiretap applications and a common
11 search warrant application. It is well established that in multidefendant cases, a
12 reasonable trial continuance as to any defendant tolls the Speedy Trial Act period as to
13 all joined co-defendants, even those who object to a trial continuance or who refuse to
14 submit a waiver under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(6).

15 IT IS THEREFORE ORDERED that Defendant Ibarra-Valle's Motion to
16 Continue Trial Date and Pretrial Motions Deadline (Dkt. 293) is GRANTED. The trial
17 date is continued to Wednesday, October 5, 2022. All pretrial motions, including
18 motions in limine, shall be filed no later than July 18, 2022.

19 IT IS FURTHER ORDERED that the resulting period of delay from the date of
20 this Order to the new trial date of October 5, 2022, is hereby excluded for speedy trial
21 purposes under 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

22 DATED this 28th day of April, 2022.

23 

24 The Honorable Richard A. Jones
25 United States District Judge